IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2005

CORAM

THE HONOURABLE MR.MARKANDEY KATJU, THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE D.MURUGESAN

W.A.Nos.1293 to 1296 of 2003 and
W.P.Nos.45717, 45718 of 2002 & 3182, 3183 of 2003

M/s ETKIF America Inc
1501 Pisaniello Court
South Plainfiled, New Jersey, USA .. Appellant in W.A.Nos 1293 & 1296/2003 and Petitioner in W.P.Nos.45717/2002 & 3183/2003

M/s ETK Export Consultants
A firm rep by its Proprietor
Dr.N.M.Parthasarathy
6, IXth Floor, B Wing, Parsn Manere
Gemini, Chennai 600 006 .. Appellant in W.A.Nos 1294 & 1295/2003 and Petitioner in W.P.Nos.45718/2002 & 3182/2003

-Vs-

1. The Government of India
rep. by Special Director
Directorate of Enforcement
Ministry of Finance
6th Floor, Lok Nayak Bhavan
Khan Market, New Delhi 110 003 .. 1st respondent in all the Writ Appeals & Writ Petitions

2. The Assistant Director
Enforcement Directorate
Shastri Bhavan, Haddows Road
Chennai 600 006 .. 2nd respondent in all the Writ Appeals & Writ Petitions

3. The Senior Branch Manager
ICICI Bank Limited
Anna Salai, Chennai 600 002 .. 3rd respondent in W.A.Nos.1293, 1294 of 2003, W.P.Nos. 45717, 45718 of 2002 and 4th respondent in W.A.Nos.1295, 1296 of 2003, W.P. Nos.3182 & 3183/2003

4. The Reserve Bank of India
rep. by its General Manager
Exchange Control Department
Fort Glacis, Rajaji Salai
Chennai 600 001 .. 3rd respondent in W.A.Nos.1295, 1296 of 2003, W.P.Nos. 3182 & 3183/2003

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W.A.No.1293 of 2003 filed under Clause 15 of the Letters Patent, against the order dated 13.2.2003 made in W.P.M.P.No.66695 of 2002 & W.P.M.P.No.2319 of 2003 in W.P.No.45717 of 2002.

W.A.No.1294 of 2003 filed under Clause 15 of the Letters Patent, against the order dated 13.2.2003 made in W.P.M.P.No.66696 of 2002 & W.P.M.P.No.2325 of 2003 in W.P.No.45718 of 2002.

W.A.No.1295 of 2003 filed under Clause 15 of the Letters Patent, against the order dated 13.2.2003 made in W.P.M.P.No.3974 of 2003 in W.P.No.3182 of 2003.

W.A.No.1296 of 2003 filed under Clause 15 of the Letters Patent, against the order dated 13.2.2003 made in W.P.M.P.No.3976 of 2003 in W.P.No.3183 of 2003.

W.P.No.45717 of 2002 filed under Article 226 of The Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents from blocking/interfering with the operation of the current account and deposits of the petitioner with ICICI Bank, Mount Road Branch, Chennai.

W.P.No.45718 of 2002 filed under Article 226 of The Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents from blocking/interfering with the operation of the current account and deposits of the petitioner with ICICI Bank, Mount Road Branch, Chennai.

W.P.No.3182 of 2003 filed under Article 226 of The Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the third respondent relating to the order dated 31.5.2002 in reference no.Che.EC.NRFAD/16816/09.01.0001/2001-02 and quash the same in so far as the petitioner is concerned and consequently direct the respondents to forbear from blocking/interfering with the operation of the current account and deposits of the petitioner with ICICI Bank, Mount Road Branch, Chennai.

W.P.No.3183 of 2003 filed under Article 226 of The Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the third respondent relating to the order dated 31.5.2002 in reference no.Che.EC.NRFAD/16816/09.01.0001/2001-02 and quash the same in so far as the petitioner is concerned and consequently direct the respondents to forbear from blocking/interfering with the operation of the current account and deposits of the petitioner with ICICI Bank, Mount Road Branch, Chennai.

For Appellants/ Petitioners :: Mr.R.Yashod Vardhan

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For Respondents :: Mr.K.Kumar &
Mr.A.Kalaiselvam
Addl. Central Government
Standing Counsel for
Enforcement Directorate
in both the Writ Appeals
& Writ Petitions

Mrs.Rita Chandrasekaran
for M/s Aiyar & Dolia
for ICICI Bank in both
the Writ Appeals &
Writ Petitions

Mr.C.Mohan for
M/s King & Partridge for
RBI in both the Writ
Appeals & Writ Petitions

JUDGMENT

(Judgment of the Court was delivered by
The Hon'ble The Chief Justice)

These writ appeals have been filed against the interlocutory orders dated 13.2.2003. We are informed that subsequently a final order had been passed on 5.3.2004 by the Special Director, Directorate of Enforcement, New Delhi under Sections 64 & 65 of the Foreign Exchange Regulation Act.

2. It is well settled that once a final order is passed, all interlocutory orders come to an end and merge into the final order. Hence, these writ appeals as well as the writ petition nos.45717 of 2002, 45718 of 2002, 3182 of 2003 & 3183 of 2003 have all become infructuous and are dismissed as such. However, the points raised in the writ appeals and in the writ petitions can be raised in the Appeal Nos.415 and 416 of 2004. Consequently, W.A.M.P.Nos.3320 & 3321 of 2004 are also dismissed. No costs.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1. The Special Director
   Directorate of Enforcement
   Ministry of Finance
   Government of India
   6th Floor, Lok Nayak Bhavan
   Khan Market
   New Delhi 110 003

2. The Assistant Director
   Enforcement Directorate
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   Chennai 600 002

4. The General Manager
   Reserve Bank of India
   Exchange Control Department
   Fort Glacis, Rajaji Salai
   Chennai 600 001

one cc to Mr.P.Vinod Kumar, advocate (SR.No.4415)

two ccs to M/s. Kind & Partridge, advocate (SR.No.4491)

W.A.Nos.1293 to 1296 of 2003 etc.

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